

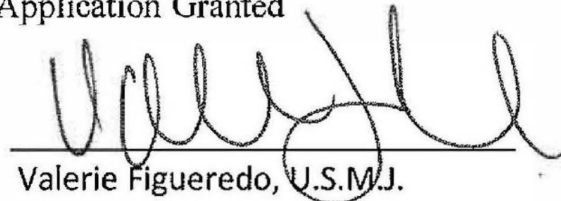
Arnold & Porter

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VIA ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1660
New York, New York 10007

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: 5-30-2023

Mr. Rybolovlev is directed to attend the opening statement portion of the settlement conference by telephone or remote video, with an interpreter if needed. The Clerk of Court is directed to terminate the motion at ECF No. 537. **SO ORDERED.**

Re: *Accent Delight International Ltd. et al. v. Sotheby's et al.*, 18 Civ. 9011

Dear Judge Figueredo:

We write respectfully on behalf of Defendants Sotheby's and Sotheby's, Inc. (collectively, "Sotheby's") in advance of the May 31 settlement conference in the above-referenced action to address Mr. Rybolovlev's attendance for at least a portion of the conference.

As we raised with Your Honor during the Court's April 10 conference call with the parties, and as we have stressed to Plaintiffs' counsel, Sotheby's believes that Dmitry Rybolovlev's personal presence at the settlement conference either by phone or remote video is critical to any meaningful settlement dialogue between the parties. Sotheby's aim is to speak during its opening presentation directly to Mr. Rybolovlev himself, consistent with the spirit of the provision in paragraph 5 of Your Honor's Standing Order Applicable to Settlement Conferences that the "purpose of the presentation is to address and persuade the opposing party, not the Court." Following the April 10 conference call, we thought that we had reached an understanding with Plaintiffs' counsel that Mr. Rybolovlev would in fact attend the conference either by phone or remote video at least for the opening statements and during Sotheby's discussion of proposed resolutions, and therefore we did not make any further application to the Court regarding his presence. This week, however, we learned from Plaintiffs' counsel that Mr. Rybolovlev will only be available during the conference to speak as needed to Plaintiffs' counsel or Plaintiffs' representatives. We understand that Mr. Rybolovlev will not attend any portion of the conference either by phone or remote video and that Plaintiffs do not intend to arrange for a Russian interpreter (whose presence would be necessary for Mr. Rybolovlev, who does not speak English, to hear and understand what is said at the conference).

In light of the above, Sotheby's respectfully requests that Your Honor require Mr. Rybolovlev's presence at the settlement conference, at least for the opening statements and during Sotheby's discussion of proposed resolutions, along with the presence of a Russian interpreter for the portions of the conference that Mr. Rybolovlev attends.



The Honorable Valerie Figueredo
May 25, 2023
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We thank the Court for its consideration of this request.

Respectfully,

/s/Sara L. Shudofsky
Sara L. Shudofsky

cc: All counsel of record (via ECF)